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BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

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BOB STUMP, Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY,
AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN ITS
RATES AND CHARGES BASED THEREON
FOR UTILITY SERVICE BY ITS ANTHEM
WATER DISTRICT AND ITS SUN CITY
WATER DISTRICT.

DOCKET NO. W-01303A-09-0343

ORIGINAL

IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY,
AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN ITS
RATES AND CHARGES BASED THEREON
FOR UTILITY SERVICE BY ITS
ANTHEM/AGUA FRIA WASTEWATER
DISTRICT, ITS SUN CITY WASTEWATER
DISTRICT AND ITS SUN CITY WEST
WASTEWATER DISTRICT.

DOCKET NO. SW-01303A-09-0343

Arizona Corporation Commission

DOCKETED

OCT 06 2014

DOCKETED BY

SUMMARY OF DIRECT TESTIMONY OF JENNA KOLLINGS

Jenna Kollings testifies that:

The Anthem Community Council (the "Community Council" or "Anthem") represents the interests of over 8,800 Anthem community residents that are water and wastewater customers of EPCOR ("EPCOR" or the "Company"), formerly the Arizona-American Water Company ("AAWC"). My testimony describes the Anthem community, Anthem's involvement in the prior phases of these proceedings and briefly addresses four scenarios originally proposed to be explored by the Arizona Corporation Commission's staff ("Staff") to address high utility rates for EPCOR's Agua Fria water and wastewater customers. Those scenarios include (i) full consolidation of all

1 five EPCOR wastewater districts, (ii) further deconsolidation of the Agua Fria Wastewater District,
2 (iii) reconsolidation of Anthem into the Agua Fria Wastewater District, and (iv) alternative
3 proposals.

4 5 The Anthem Community and Anthem Wastewater District

6 Anthem is an unincorporated community founded in 1998 that comprises approximately 9.25
7 square miles located nearly 17 miles north of Phoenix proper on the I-17. The Anthem Market
8 Area, which includes the communities of Anthem, New River, and Tramanto has approximately
9 40,123 residents. EPCOR's Anthem Wastewater District serves over 8,800 customers. Anthem's
10 wastewater infrastructure is self-contained and is not connected to any of the treatment facilities
11 owned by the Company to serve Agua Fria customers.

12 13 Participation in Prior Proceedings

14 The Community Council originally became involved in this rate case when AAWC requested the
15 Commission to allow increases in Anthem water and wastewater rates of 100% and 82%
16 respectively. The Community Council retained legal counsel and utility rate experts to explore a
17 variety of ways to reduce Anthem's high rates. Ultimately we were able to bring down the
18 proposed rate increases when the Commission urged the Company, the Community Council,
19 RUCO, and Staff to try to settle disagreements among us. In the Settlement Agreement, among
20 other things, the Community Council agreed to give up certain important legal rights related to
21 more than \$23 million in disputed refund payments. In exchange, among other things, Anthem
22 wanted to be deconsolidated from the Anthem/Agua Fria Wastewater District because Anthem
23 residents were being forced to pay a large subsidy to support an expensive wastewater treatment
24 plant that we did not and could not ever use. As a result of the Settlement Agreement, the
25 Community Council then participated in the proceedings that deconsolidated the Anthem/Agua
26 Fria Wastewater District.

27 Now, even before Anthem has achieved the full benefit of the Settlement Agreement
28 (deconsolidated rates have not yet been fully implemented), Anthem is being forced to fight to

1 uphold the Settlement Agreement which has been ratified twice by the Commission (once upon
2 adoption in 2011 and again in the order for deconsolidation in 2012). The money and effort that
3 the Community Council is now spending on this phase of the proceedings is being diverted from
4 other important community programs and facilities. Our community members justifiably believed
5 that the Commission's approvals of the Settlement Agreement meant that "a deal is a deal."

6
7 Position on Full Consolidation

8 Of the solutions for reducing Agua Fria bills that have been identified by the Commission so far,
9 Anthem prefers consolidation of all EPCOR wastewater districts in Arizona because over the long
10 haul it benefits and burdens all customers more equally. In the event that the Commission decides
11 to order full consolidation, Anthem supports Dan Neidlinger's two-step implementation plan
12 discussed in his direct testimony.

13
14 Position on Further Deconsolidation

15 Anthem takes no position on the question of further deconsolidation of the Agua Fria Wastewater
16 District.

17
18 Position on Reconsolidation

19 Anthem does not support the unpopular and unwise option of reconsolidating the Anthem/Agua
20 Fria Wastewater District as a solution for elevated wastewater bills in the Agua Fria community.

21
22 Position on other Alternatives

23 Anthem would consider other solutions that (i) honor the Settlement Agreement (or leave Anthem
24 no worse off than the Settlement Agreement), (ii) are based on current (2014) data, and
25 (iii) provide a fair compromise with all parties benefitted and burdened on a roughly equal basis.
26 Anthem vigorously opposes any solution that requires our residents to disproportionately bear the
27 burden of a fix for Agua Fria or any other EPCOR wastewater customers.
28

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2
3 **COMMISSIONERS**

4 **BOB STUMP, Chairman**

5 **GARY PIERCE**

6 **BRENDA BURNS**

7 **BOB BURNS**

8 **SUSAN BITTER SMITH**

9 IN THE MATTER OF THE APPLICATION OF)
10 ARIZONA-AMERICAN WATER COMPANY,)
11 AN ARIZONA CORPORATION, FOR A)
12 DETERMINATION OF THE CURRENT FAIR)
13 VALUE OF ITS UTILITY PLANT AND)
14 PROPERTY AND FOR INCREASES IN ITS)
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16 FOR UTILITY SERVICE BY ITS ANTHEM)
17 WATER DISTRICT AND ITS SUN CITY)
18 WATER DISTRICT.)

DOCKET NO. W-01303A-09-0343

19 IN THE MATTER OF THE APPLICATION OF)
20 ARIZONA-AMERICAN WATER COMPANY,)
21 AN ARIZONA CORPORATION, FOR A)
22 DETERMINATION OF THE CURRENT FAIR)
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24 PROPERTY AND FOR INCREASES IN ITS)
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26 FOR UTILITY SERVICE BY ITS)
27 ANTHEM/AGUA FRIA WASTEWATER)
28 DISTRICT, ITS SUN CITY WASTEWATER)
DISTRICT AND ITS SUN CITY WEST)
WASTEWATER DISTRICT.)

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29 **DIRECT TESTIMONY OF JENNA KOLLINGS**

30 **ON BEHALF OF THE ANTHEM COMMUNITY COUNCIL**

31 **Q1. PLEASE STATE YOUR NAME, ADDRESS AND OCCUPATION.**

32 A1. My name is Jenna Kollings. My business address is 3701 W. Anthem Way, Ste. #201,
33 Anthem, Arizona 85086. I am the Community Executive Officer of the Anthem Community
34 Council (the "Community Council" or "Anthem"). The Community Council's mission is to
35 preserve, protect and enhance a genuine sense of community within the Anthem community. The
36 Community Council is governed by a seven member Board of Directors.

1
2 **Q2. ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?**

3 A2. I am appearing on behalf of the Community Council. The Community Council is
4 participating in this proceeding on behalf of over 8,800 Anthem community residents that are
5 water and wastewater customers of EPCOR ("EPCOR" or the "Company"), formerly the Arizona-
6 American Water Company ("AAWC").

7 **Q3. HAVE YOU TESTIFIED BEFORE THE COMMISSION BEFORE?**

8 A3. No, although I have spoken during the public comment session at several Open Meetings.

9 **Q4. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 A4. My testimony will describe the Anthem community, Anthem's historical and current
11 participation in these proceedings, and Anthem's support for full consolidation of all of EPCOR's
12 wastewater districts as the best solution to high wastewater rates for Agua Fria customers.

13 **Q5. PLEASE BRIEFLY DESCRIBE THE ANTHEM COMMUNITY.**

14 A5. Anthem was founded in 1998 and comprises approximately 9.25 square miles located
15 nearly 17 miles north of Phoenix proper on the I-17. A portion of Anthem is located within
16 Phoenix (west of I-17) with the larger portion located in unincorporated Maricopa County (east of
17 I-17). Anthem is surrounded by state lands to the north, state lands and the city of Phoenix to the
18 west, and unincorporated private Maricopa County areas to the east and south. Residential areas in
19 Anthem are divided into three homeowner's associations, Parkside (7,500 homes), Country Club
20 (2,866 homes) and The Village Condominiums (210 homes). The Community Council is the
21 umbrella agency over the homeowner associations.

22 The Anthem Market Area, which includes the communities of Anthem, New River, and
23 Tramanto has approximately 40,123 residents.

24 **Q6. PLEASE BRIEFLY DESCRIBE THE ANTHEM WASTEWATER DISTRICT.**

25 A6. EPCOR's Anthem Wastewater District serves over 8,800 customers. Anthem's wastewater
26 infrastructure is self-contained and designed to serve all of Anthem's wastewater needs. It is not
27 connected to any of the treatment facilities owned by the Company to serve Agua Fria customers.
28 Anthem has its own treatment plant.

Q7. PLEASE BRIEFLY DESCRIBE ANTHEM'S PARTICIPATION IN THE PRIOR PHASES OF THESE PROCEEDINGS.

A7. The Community Council originally became involved in this rate case when AAWC requested the Commission to allow increases in Anthem water and wastewater rates of 100% and 82% respectively. Anthem residents already paid some of the highest water and wastewater charges in the State of Arizona and many of our residents struggled financially during the recession. Anthem was plagued with foreclosures and the Community Council was forced to write off hundreds of thousands of dollars in homeowner association accounts. Suffice it to say, we needed utility rate relief.

The Community Council retained legal counsel and utility rate experts to explore a variety of ways to reduce Anthem's high rates. In the initial phase of the proceedings, our team proactively proposed many solutions, some of which benefitted other ratepayers as well. For instance, reducing the allocation of the Northwest Treatment Plant and advocating for a lower rate of return helped everyone in the Anthem/Agua Fria Wastewater District. Our residents were also actively involved in Commission proceedings themselves whenever given the opportunity. Ultimately we were able to bring down the proposed rate increases when the Commission urged the Company, the Community Council, RUCO, and Staff to try to settle disagreements among us.

As a result of the December 15, 2011 Settlement Agreement, the Community Council subsequently participated in the proceedings that deconsolidated the Anthem/Agua Fria Wastewater District. In the deconsolidation phase, we led the effort to reduce rate shock for the Agua Fria wastewater customers by proposing through our consultant to continue to subsidize their rates until January 2015 through a 3-year phase-in process. The Community Council's spirit of cooperation has been on display, now to our detriment, throughout this five year proceeding.

Q8. WERE YOU PHYSICALLY PRESENT DURING THE SETTLEMENT NEGOTIATIONS?

A8. Yes I was.

Q9. PLEASE BRIEFLY DESCRIBE ANTHEM'S UNDERSTANDING OF THE SETTLEMENT AGREEMENT.

A9. Most importantly, the Community Council thought that the Commission's adoption of the Settlement Agreement meant that certain matters would be settled permanently (or at least until the next full rate case involving Anthem). We rightfully assumed that a deal is a deal.

In the Settlement Agreement, among other things, the Community Council agreed to give up certain important legal arguments and rights related to more than \$23 million in refund payments that AAWC may have wrongly paid to a developer and that AAWC wanted to immediately put into Anthem's water and wastewater rate base. In exchange, among other things, Anthem wanted to be deconsolidated from the Anthem/Agua Fria Wastewater District because Anthem residents were being forced to pay a large subsidy to support an expensive wastewater treatment plant that we did not and could not ever use. If there was any doubt about the Settlement Agreement's intent with respect to deconsolidation, all doubt was alleviated when the Commission voted to approve deconsolidation for a variety of reasons, including to honor the Settlement Agreement.

Now, even before Anthem has achieved the full benefit of the Settlement Agreement (deconsolidated rates have not yet been fully implemented), Anthem has been dragged back to the table and has been forced to expend resources to reengage counsel, consultants, and community members to fight to uphold the Settlement Agreement which has been ratified twice by the Commission (once upon adoption in December 2011 and again in the order for deconsolidation in June 2012). Even assuming that Anthem prevails on the issue of reconsolidation, as identified in the Commission's July 30, 2014 decision in this case, the money and effort that the Community Council is now spending is being diverted from parks for our children and places of respite for our seniors. Our community members are justifiably angry.

Q10. WHAT IS ANTHEM'S OPINION ON RECONSOLIDATION OF THE ANTHEM/AGUA FRIA WASTEWATER DISTRICT?

A10. For the reasons repeated in our filings and public comments to the Commission numerous times since 2010, Anthem does not want to be unfairly and arbitrarily consolidated into the Agua

1 Fria Wastewater District. In that regard, the Company and many of the intervenors from the Agua
2 Fria Wastewater District have indicated that they do not support reconsolidation of the
3 Anthem/Agua Fria Wastewater District as a solution for elevated wastewater bills in the Agua Fria
4 community. Rather, reconsolidation clearly would be an unwise and unpopular option.

5 **Q11. WHAT IS ANTHEM'S POSITION WITH RESPECT TO FURTHER**
6 **DECONSOLIDATION OF THE AGUA FRIA WASTEWATER DISTRICT?**

7 A11. Because our residents would not be impacted, Anthem takes no position on the question of
8 further deconsolidation of the Agua Fria Wastewater District, except to note that Anthem believes
9 that full consolidation of all EPCOR wastewater systems may provide a preferable solution.

10 **Q12. DOES ANTHEM SUPPORT CONSOLIDATION OF ALL EPCOR WASTEWATER**
11 **DISTRICTS?**

12 A12. Yes. Of the solutions for reducing Agua Fria bills that have been identified by the
13 Commission so far, Anthem prefers consolidation of all EPCOR wastewater districts in Arizona
14 because over the long haul it benefits and burdens all customers more equally. However, Anthem
15 recognizes that Sun City and Sun City West probably oppose full consolidation. Therefore,
16 employing the same constructive and cooperative approach that Anthem has maintained
17 throughout these proceedings, the Community Council has retained Dan Neidlinger to provide a
18 two-step implementation plan that requires only modest and gradual increases to bills in Sun City
19 and Sun City West as an initial step towards ultimate full consolidation. In the event that the
20 Commission decides to order full consolidation and gradualism is desired, Anthem recommends
21 adoption of the Neidlinger plan, as discussed in Mr. Neidlinger's October 6, 2014 prepared direct
22 testimony.

23 **Q13. DO ANTHEM'S CURRENT POSITIONS ON DECONSOLIDATION,**
24 **RECONSOLIDATION AND FULL CONSOLIDATION CONFLICT WITH ANTHEM'S**
25 **PRIOR POSITIONS ON THESE ISSUES?**

26 A13. No. Anthem has previously advocated for full consolidation in this case. However, the
27 Commission rejected full consolidation and expressed support for rates based on cost of service.
28 Anthem then demonstrated that a consolidated Anthem/Agua Fria Wastewater District was

1 inconsistent with the Commission's support of rates based on cost of service. We also
2 demonstrated that this inconsistency resulted in an additional \$2.4 million burden on the Anthem
3 ratepayers over and above the cost of service. In summary, Anthem believes that EPCOR and the
4 Commission should establish rates consistently for all five of EPCOR's wastewater districts. We
5 currently, and in the past, advocated for fully consolidated rates.

6 **Q14. WOULD ANTHEM CONSIDER OTHER ALTERNATIVES TO CONSOLIDATION**
7 **THAT WOULD PROVIDE INTERIM RATE RELIEF TO AGUA FRIA CUSTOMERS?**

8 A14. Yes. Anthem would consider other solutions that (i) honor the Settlement Agreement (or
9 leave Anthem no worse off than the Settlement Agreement), (ii) are based on current (2014) data,
10 and (iii) provide a fair compromise with all parties benefitted and burdened on a roughly equal
11 basis. Anthem vigorously opposes any solution that requires our residents to disproportionately
12 bear the burden of a fix for Agua Fria or any other EPCOR wastewater customers.

13 **Q15. DOES THAT CONCLUDE YOUR DIRECT TESTIMONY?**

14 A15. Yes, it does.
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1 ORIGINAL AND THIRTEEN (13) COPIES

2 of the foregoing HAND-DELIVERED
3 for FILING this 6th day of October, 2014 to:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007

8 and COPY of the foregoing mailed or e-mailed
9 this 6th day of October, 2014, to:

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